

AMENDMENTS TO THE DRAWINGS

A “Replacement Sheet” is attached which includes a clean version of amended Fig. 1.
The attached sheet replaces the original sheet including Fig. 1.

Fig. 1 was amended to include the legend –Prior Art–.

Attachment: Replacement sheet

REMARKS

In response to the Office Action dated May 12, 2010, Applicants respectfully request reconsideration. Claims 1-24 were previously pending in this application. By this amendment, Applicants are canceling claim 8 without prejudice or disclaimer. Claims 1-7, 9-10, 13-14, 17-18, 20 and 22-23 have been amended. No claims have been added. As a result, claims 1-7 and 9-24 remain pending for examination, with claims 1, 10, 14, 17, 18, 20, 22 and 23 being independent claims. No new matter has been added.

The amendments to the claims are supported throughout the specification. For example, support for the amendments common to the independent claims can be found in the specification at least at page 16, line 22 - page 17, line 1; page 17, lines 11-15; and page 18, lines 11-13.

Objections to the Drawings

The Office Action objects to the drawings, asserting that Fig. 1 should be designated by a legend such as --Prior Art--. Applicants submit herewith a replacement sheet of drawings including Fig. 1 with the legend --Prior Art-- added. Accordingly, withdrawal of this objection is respectfully requested.

Objections to the Specification

The Office Action states that the substitute specification filed on December 16, 2005, has not been entered because it purportedly does not conform to 37 C.F.R. §1.125(b) and (c). At page 2, the Office Action asserts that certain amendments in the substitute specification "contain new matter". Applicants respectfully submit that this objection is improper.

37 C.F.R. §1.125 applies to substitute specifications filed during prosecution of an application. Conversely, the substitute specification in the present application was filed as part of a preliminary amendment on the same date as the application itself (December 16, 2005). 37

C.F.R. §1.115(a)(1) makes clear that “[a] preliminary amendment that is present on the filing date of an application is part of the original disclosure of the application.” Thus, the substitute specification filed on December 16, 2005, is part of the original disclosure of the application and, by definition, does not contain new matter.

Accordingly, withdrawal of this objection and entry of the substitute specification is respectfully requested.

Objections to the Claims

The Office Action objects to claims 1-7, 9 and 13 because of purported informalities. At page 3, the Office Action asserts that the recitation of “the software application” in claim 1 should be –the embedded software application-- . Applicants have amended claim 1 to recite – the embedded software application-- in accordance with the Office Action’s suggestion. Accordingly, withdrawal of this objection is respectfully requested.

Rejections Under 35 U.S.C. §112

The Office Action rejects claims 1-7, 9, 13-17 and 22 under 35 U.S.C. §112, second paragraph, as purportedly being indefinite.

At page 3, the Office Action asserts that claim 1 is indefinite because “[i]t is unclear whether the interface, SW protocol layers, embedded software application, and the processor are part of the claimed library.” Claim 1 has been amended herein to recite, “A computer readable storage medium encoded with software routines for use by an embedded software application requiring software (SW) protocol layers, profiles and/or application code embedded on a processor, the software routines, when executed, providing an interface”. Applicants believe that the metes and bounds of the claim as amended can be clearly ascertained. Accordingly, it is

respectfully requested that the rejection of claims 1-7, 9 and 13 under 35 U.S.C. §112, second paragraph, be withdrawn.

At page 4, the Office Action asserts that claim 14 is indefinite because “no elements of the API are claimed.” Claim 14 has been amended herein to recite, “An Application Programming Interface (API) comprising a plurality of commands that, when executed by a processor, provide functions to a software application”. Applicants believe that the metes and bounds of the claim as amended are clear. Accordingly, it is respectfully requested that the rejection of claims 14-16 under 35 U.S.C. §112, second paragraph, be withdrawn.

At page 4, the Office Action asserts that claims 17 and 22 are indefinite because “[i]t is unclear whether the layers of the telecommunications protocol communicating towards the underlying OS is part of the claimed method”. Each of claims 17 and 22 has been amended herein to recite, “generating an Application Programming Interface (API) ... wherein the API communicates towards the underlying OS through an abstraction layer through which the [layers of the telecommunications protocol / SW protocol layers] also communicate towards the underlying OS”. Applicants believe that the metes and bounds of the claims as amended can clearly be ascertained. Accordingly, it is respectfully requested that the rejections of claims 17 and 22 under 35 U.S.C. §112, second paragraph, be withdrawn.

At page 4, the Office Action asserts that the claim scope of claim 3 is uncertain because it “contains the trademark/trade name BLUETOOTH”. Claim 3 has been amended herein to remove “Bluetooth”. Accordingly, it is respectfully requested that the rejection of claim 3 under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. §101

The Office Action rejects claims 1-7 and 22 under 35 U.S.C. §101 as purportedly being directed to non-statutory subject matter.

At page 5, the Office Action asserts that claim 1 “would reasonably be interpreted by one of ordinary skill in the art as software, per se”. Claim 1 has been amended herein to recite, “A computer readable storage medium encoded with software routines”, which constitutes a statutory article of manufacture. Accordingly, it is respectfully requested that the rejection of claims 1-7 under 35 U.S.C. §101 be withdrawn.

At page 6, the Office Action asserts that claim 22 “does not pass the machine-or-transformation test”. Claim 22 has been amended herein to recite, “A method of embedding into a telecommunications device a software application”. Claim 22 as amended thus involves the use of a particular machine or apparatus (i.e., a telecommunications device) and therefore is directed to statutory subject matter. Accordingly, it is respectfully requested that the rejection of claim 22 under 35 U.S.C. §101 be withdrawn.

Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1-7 and 9-24 under 35 U.S.C. §103(a) as purportedly being obvious over Motorola, “JAVA™ APIs for BLUETOOTH™ Wireless Technology (JSR-82)” (“Motorola”) in view of Atkinson et al., U.S. Patent Application Publication No. 2002/0012329 (“Atkinson”). Applicants respectfully traverse each of these rejections.

I. Discussion of Motorola

Motorola is a specification document (JSR-82) defining APIs that can be used by third party Bluetooth applications to exercise Bluetooth protocols and profiles (Motorola: page 1, section 1.1, paragraph 1; section 1.2.1, paragraph 2). The Motorola specification requires that APIs be designed to operate on devices having “Bluetooth communication hardware, with necessary Bluetooth stack and radio” (Motorola: page 5, section 2.2.2, paragraph 3). Motorola also describes the device architecture as containing an operating system (Motorola: page 12, Figure 3-5). The API is designed to operate on top of the Connected, Limited Device Configuration (CLDC), which is depicted on top of an “Operating System + Bluetooth Stack” layer (Motorola: page 1, section 1.1, paragraph 2; page 12, Figure 3-5).

II. Discussion of Atkinson

Atkinson describes a software architecture by which a Java or Java-like upper protocol stack can be uploaded to a receiving device with an existing lower protocol stack (Atkinson: ¶56, 58). The upper stack communicates with the lower stack and with an application through various APIs (Atkinson: ¶58). Through yet another API, the protocol stack connects to a software support layer that operates in conjunction with an operating system/environment (Atkinson: ¶50-51).

III. Independent Claim 1 Patentably Distinguishes over Motorola and Atkinson

Independent claim 1 as amended recites, *inter alia*, “the interface assigns priorities to tasks of the embedded software application such that the tasks of the embedded software application are interrupted by OS tasks.” Neither Motorola nor Atkinson discloses or suggests these limitations.

As discussed above, Motorola describes an API that enables third party applications to use Bluetooth protocols and profiles. Atkinson describes various APIs that connect a software stack with other software stacks, layers and applications. Neither reference, however, makes any mention of an interface that assigns priorities to tasks of an application such that they are interrupted by OS tasks, as required by claim 1. Accordingly, even if Motorola and Atkinson were combined, the alleged combination would fail to meet at least the above limitations of claim 1.

For at least these reasons, claim 1 patentably distinguishes over any combination of Motorola and Atkinson, and it is respectfully requested that the rejection of claim 1 be withdrawn.

Claims 2-7, 9 and 13 depend from claim 1 and are allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

IV. Independent Claim 10 Patentably Distinguishes over Motorola and Atkinson

Independent claim 10 as amended recites, *inter alia*, “the interface assigns priorities to tasks of at least one software application executing on the telecommunications device, such that the tasks of the at least one software application are interrupted by OS tasks.” As should be clear from the foregoing discussion of Motorola and Atkinson, these references, whether alone or in combination, fail to disclose or suggest at least these limitations of claim 10. Therefore, claim 10 patentably distinguishes over any combination of Motorola and Atkinson, and it is respectfully requested that the rejection of claim 10 be withdrawn.

Claims 11-12 depend from claim 10 and are allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

V. Independent Claim 14 Patentably Distinguishes over Motorola and Atkinson

Independent claim 14 as amended recites, *inter alia*, “the API assigns priorities to tasks of the software application such that the tasks of the software application are interrupted by OS tasks.” As should be clear from the foregoing discussion of Motorola and Atkinson, these references, whether alone or in combination, fail to disclose or suggest at least these limitations of claim 14. Therefore, claim 14 patentably distinguishes over any combination of Motorola and Atkinson, and it is respectfully requested that the rejection of claim 14 be withdrawn.

Claims 15-16 depend from claim 14 and are allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

VI. Independent Claim 17 Patentably Distinguishes over Motorola and Atkinson

Independent claim 17 as amended recites, *inter alia*, “the API assigns priorities to tasks of the software application such that the tasks of the software application are interrupted by OS tasks.” As should be clear from the foregoing discussion of Motorola and Atkinson, these references, whether alone or in combination, fail to disclose or suggest at least these limitations of claim 17. Therefore, claim 17 patentably distinguishes over any combination of Motorola and Atkinson, and it is respectfully requested that the rejection of claim 17 be withdrawn.

VII. Independent Claim 18 Patentably Distinguishes over Motorola and Atkinson

Independent claim 18 as amended recites, *inter alia*, “the interface assigns priorities to tasks of at least one software application executing on the telecommunications device, such that the tasks of the at least one software application are interrupted by OS tasks.” As should be clear from the foregoing discussion of Motorola and Atkinson, these references, whether alone or in combination, fail to disclose or suggest at least these limitations of claim 18. Therefore, claim 18 patentably distinguishes over any combination of Motorola and Atkinson, and it is respectfully requested that the rejection of claim 18 be withdrawn.

Claim 19 depends from claim 18 and is allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claim 19 be withdrawn.

VII. Independent Claim 20 Patentably Distinguishes over Motorola and Atkinson

Independent claim 20 as amended recites, *inter alia*, “the interface assigns priorities to tasks of at least one software application executing on the telecommunications device, such that the tasks of the at least one software application are interrupted by OS tasks.” As should be clear from the foregoing discussion of Motorola and Atkinson, these references, whether alone or in combination, fail to disclose or suggest at least these limitations of claim 20. Therefore, claim 20 patentably distinguishes over any combination of Motorola and Atkinson, and it is respectfully requested that the rejection of claim 20 be withdrawn.

Claim 21 depends from claim 20 and is allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claim 21 be withdrawn.

VIII. Independent Claim 22 Patentably Distinguishes over Motorola and Atkinson

Independent claim 22 as amended recites, *inter alia*, “the API assigns priorities to tasks of the software application such that the tasks of the software application are interrupted by OS tasks.” As should be clear from the foregoing discussion of Motorola and Atkinson, these references, whether alone or in combination, fail to disclose or suggest at least these limitations

of claim 22. Therefore, claim 22 patentably distinguishes over any combination of Motorola and Atkinson, and it is respectfully requested that the rejection of claim 22 be withdrawn.

IX. Independent Claim 23 Patentably Distinguishes over Motorola and Atkinson

Independent claim 23 as amended recites, *inter alia*, “the interface assigns priorities to tasks of at least one software application executing on the telecommunications device, such that the tasks of the at least one software application are interrupted by OS tasks.” As should be clear from the foregoing discussion of Motorola and Atkinson, these references, whether alone or in combination, fail to disclose or suggest at least these limitations of claim 23. Therefore, claim 23 patentably distinguishes over any combination of Motorola and Atkinson, and it is respectfully requested that the rejection of claim 23 be withdrawn.

Claim 24 depends from claim 23 and is allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claim 24 be withdrawn.

General Comments on Dependent Claims

Because each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the further distinguishing features of all of the dependent claims. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address in the future the further patentability of the dependent claims not specifically addressed herein.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any deficiency to Deposit Account No. 23/2825 under Docket No. S1022.71021US00 from which the undersigned is authorized to draw.

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Respectfully submitted,

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